

WASHINGTON, D.C. – Congressman Steny Hoyer (D-MD) made the following statement on the floor of the House of Representatives last night during consideration of a House Resolution that expresses “the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London et al. that nullifies the protections afforded private property owners in the Takings Clause of the Fifth Amendment.”

“Mr. Speaker, I seldom find myself in agreement with the legal opinions of Supreme Court Justices Thomas or Scalia.

“Nor, for that matter, do I often find myself in agreement with my colleagues on the other side of the aisle, many of whom have unfairly – and intemperately – denounced the federal judiciary when they have disagreed with a court decision. However, tonight, I do agree with the proponents of this legislation in disagreeing with the Supreme Court’s 5-to-4 decision last week in Kelo v. City of New London.

“Since our nation’s founding, the protection of private property has been a bedrock principle of our society.

“The Fifth Amendment provides, in relevant part: ‘nor shall private property be taken for public use without just compensation.’ That amendment, of course, does not prohibit all takings. Instead, it permits the government to take private property so long as it has a good public use for the land, and so long as it provides just compensation.

“In Kelo, however, the Court’s majority greatly weakened this basic constitutional principle. It held that a public use could be defined more broadly as a “public purpose,” and thus ruling that the City of New London, Connecticut, could take private residences and replace them with office space, a hotel, new residences and a pedestrian sidewalk. I strongly disagree with this decision.

“As Justice O’Connor wrote in dissent: ‘under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded.’

“I urge my colleagues to vote for this legislation.”

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